

August xx, 2019

Richard Corey  
Executive Officer  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95812

RE: Commitment by the Ventura County Air Pollution Control District (VCAPCD) to Adopt Revisions to Rules as Contingency Measures for the 2008 8-Hour Ozone Standard

Dear Mr. Corey,

The Clean Air Act Sections 172(c)(9) and 182(c)(9) require contingency measures if an ozone nonattainment area fails to meet reasonable further progress (RFP) milestones or to attain the national primary ambient air quality standard by the attainment date. Due to the recent *Bahr* court decision (836 F.3d 1218 (9th Cir. 2016))~~U.S. 9<sup>th</sup> Circuit Court, 2016~~, the U.S. Environmental Protection Agency (U.S. EPA) has requested that VCAPCD include an additional contingency measure in the 2016 Ventura County Air Quality Management Plan (2016 AQMP) to be triggered upon failure to meet the Reasonable Further Progress (RFP) milestone for the 2008 8-hour ozone standard or to attain the standard by the 2020 attainment date. As such, VCAPCD commits to amend at least one of the following rules listed below, through the required public process and subsequent Board approval, for inclusion as a contingency measure in the 2016 AQMP for the 2008 8-hour Ozone Standard. This commitment should provide U.S. EPA with the basis to conditionally approve the VCAPCD contingency measure element of the 2016 AQMP.

- Amendment to Rule 74.26, Crude Oil Storage Tank Degassing Operations. The amendment to Rule 74.26 will include new requirements for reducing Volatile Organic Compounds (VOCs) emissions from cleaning, removing, repair and depressurizing of pipelines that would apply if triggered by an RFP milestone failure or failure to attain determination. Currently, the VOC emissions from these operations are not being controlled and are directly vented to the atmosphere.
- Amendment to Rule 74.14, Polyester Resin Material Operations. The rule currently requires the monomer VOC content of the polyester resin material to be no more than 35 percent by weight and no limits for VOC of non-monomer content. In addition to the separate monomer VOC limit, the amendment to Rule 74.14 will require a non-monomer content VOC limit of no more than 5 percent by weight if triggered by an RFP milestone failure or failure to attain determination.

- Amendments to Rule 74.2, Architectural Coatings. The amendments to Rule 74.2 will include the Architectural Coating Suggested Control Measure (SCM), "model rule", developed and adopted by California Air Resources Board (CARB) on May 21, 2019. The amendments will lower the VROC limit for coating categories, delete the Specialty Primer, Sealer, and Undercoater categories and regulate them as just primers, sealers and undercoaters, add the specialty coating categories (Interior Stains, and Tile and Stone Sealers), and lower the VOC content limits for colorants using the limits specified in SCM, once again, if triggered by an RFP milestone failure or failure to attain determination.

Under this commitment, VCAPCD will adopt the rule amendment and transmit the amended rule to CARB for submittal to U.S. EPA within 12 months of the U.S. EPA's final action on the RFP or attainment contingency measure element of the 2016 AQMP for the 2008 8-hour ozone standard.

This letter requests that CARB forward this commitment to U.S. EPA for their consideration in their proposed action on the 2016 AQMP. If you have any questions or would like to discuss the above items, please contact me at 805-645-1440, [ [HYPERLINK "mailto:mike@vcapcd.org"](mailto:mike@vcapcd.org) ], or Ali Ghasemi, Division Manager of Planning, Rule Development and Incentive programs at 805-645-1427, [ [HYPERLINK "mailto:aghasemi@vcapcd.org"](mailto:aghasemi@vcapcd.org) ].

Sincerely,

Michael Villegas  
Air Pollution Control Officer

cc (email): Amy Zimpfer, U.S. EPA, Region IX  
Mike Stoker, U.S. EPA, Region IX  
Elizabeth Adams, U.S. EPA, Region IX  
John ~~Kelly~~Ungvarsky, U.S. EPA, Region IX  
Anita Lee, U.S. EPA, Region IX  
~~Thomas Kelly, U.S. EPA, Region IX~~  
~~Matt Lakin, U.S. EPA, Region IX~~  
~~Ginger Vagenas, U.S. EPA, Region IX~~  
Michael Benjamin, CARB  
Sylvia Vanderspek, CARB  
Carol Sutkus, CARB  
Ariel Fideldy, CARB  
Stephanie Parent, CARB  
Ali Ghasemi, VCAPCD  
C. Alan Ballard, VCAPCD  
Ali-Lakhdar-Hamina, VCAPCD  
Danny McQuillan, VCAPCD

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Tyler Harris, VCAPCD